STATE OF IOWA BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

IN THE MATTER OF:)) CASE NO. 06-165
Nail World)
License No. 011625)
and) COMBINED NOTICE OF
Tisha Thanh Tran, owner) HEARING, SETTLEMENT
License No. 01785) AGREEMENT, AND
) FINAL ORDER
RESPONDENT)

COMES NOW the Iowa Board of Cosmetology Arts and Sciences (Board) and Nail World, through its owner Tisha Thanh Tran (Respondent), enter into this Combined Notice of Hearing, Settlement Agreement, and Final Order (Order) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

NOTICE OF HEARING

- A hearing on this matter will not be held as the Board and Respondent have entered into the following combined Notice of Hearing, Settlement Agreement and Final Order.
- 2. Respondent was issued license number 011625 to operate a salon in the State of Iowa and a nail technology license number 01785. Board records indicate that Respondent salon is located at 2040 Edgewood Road SW, Cedar Rapids, Iowa 52404.

LEGAL AUTHORITY AND JURISDICTION

The Board has jurisdiction of this matter pursuant to Iowa Code chapters
 17A, 157, and 272C.

SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

4. Respondent is charged with employing individuals to practice cosmetology arts and sciences without a license in violation of lowa code section 157.13(1) and 645 IAC rules 65.2(28).

COUNT II

5. Respondent is charged with violating 645 Iowa Administrative Code 65.2(4) by using untruthful or improbable statements in advertisements.

COUNT III

6. Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by possessing razor-edged device or tool in violation of 645 Iowa Administrative Code 63.18(2).

COUNT IV

7. Respondent is charged with violating a regulation, rule, or law of this state pursuant to 645 Iowa Administrative Code 65.2(13) by failing to properly clean whirlpool foot spa in violation of 645 Iowa Administrative Code 63.25(3).

STATEMENT OF MATTERS ASSERTED

- 8. During an investigation of Respondent salon on June 12, 2007, in was found that two unlicensed persons were engaged in activities requiring a license. The owner is responsible for allowing unlicensed persons to practice pursuant to 645 lowa Administrative Code 63.4(1).
- 9. During the investigation, it was found that Respondent salon was advertising eyebrow waxing services when no employee is properly licensed to conduct

such activities.

- 10. During the investigation, the investigator observed used heel shavers in the salon.
- 11. During the investigation, there was unsatisfactory evidence of whirlpool foot spas meeting daily cleaning and disinfecting requirements as the salon did not have a current whirlpool cleaning schedule.

SETTLEMENT AGREEMENT

- 12. Respondent agrees to pay to the Board a civil monetary penalty of \$1,000.00 total. The funds shall be payable to the State of Iowa. Respondents shall remit full payment of the civil monetary penalty to the Board within 30 days of the date this Agreement is executed by the Board.
 - 13. Respondent agrees to comply with all laws and rules regarding nail salons.

FINAL ORDER

- 14. This combined Notice of Hearing, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.
- 15. By entering into this combined Notice of Hearing, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Matters Asserted, and waives any objections to the terms of the Settlement Agreement.
- 16. This combined Notice of Hearing, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.
- 17. Respondent acknowledges that he/she has a right to be represented by counsel in this matter.

- 18. Respondents agree that counsel for the State may present this Agreement to the Board.
- 19. This combined Notice of Hearing, Settlement Agreement and Final Order must be approved by the Board. If the Board fails to approve this combined Notice of Hearing, Settlement Agreement and Final Order it shall be of no force or effect to either party.
- 20. The Respondent understands that this Order is a public record and is therefore subject to inspection and copying by members of the public.
- 21. This Order shall be part of the Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.
- 22. Any failure by Respondents to comply with the terms and conditions of this Order may subject the Respondent to further licensee disciplinary action by the Board.
- 23. The Board's approval of this combined Notice of Hearing, Settlement Agreement and Final Order shall constitute a **FINAL ORDER** of the Board.

This combined notice of hearing, settlement agreement, and final order is approved by the board on November 7, 2007.